IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Crl.MC.No. 3430 of 2007()

CC.464/2002 of JUDL.MAGISTRATE OF FIRST CLASS, AMABALAPUZHA

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PETITIONER: ACCUSED

MATHEW P. VARGHESE,
PUTHENPARAMBIL, PANDANGARI P.O., EDATHUA
KUTTANAD.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS: COMPLAINANT STATE

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1. N.C.PHILIP, NAIPOLLYCHIRAYIL VEEDU
ANAPRAMBAL P.O., THALAVADY, KUTTANAD.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3430 of 2007

Dated this the 15th day of November 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. The verdict of guilty, conviction and sentence have now become final with the disposal of the revision by order dated 6/7/06 in Crl.R.P.No.629/06. The petitioner has been sentenced to undergo imprisonment till rising of court and to pay an amount of Rs.1,20,000/- as compensation. The petitioner was directed to appear before the learned Magistrate on or before 16/8/06 to serve the modified sentence imposed. But the petitioner has not entered appearance. He has not so far paid the compensation amount. The petitioner now wants to appear before the learned Magistrate and make payment of the compensation amount. But he apprehends that he may, even after he makes payment of the compensation amount, be compelled to undergo the default sentence.

2. The apprehension of the petitioner does appear to me to be perverse. The last trace of doubt, if any, on that aspect is already removed by the decision in Girish v. Muthoot Capital Service (P) Ltd. [2007(1) KLT 16]. His apprehension that he will still be forced to undergo default sentence is without any merit or basis.

3. This petition is accordingly dismissed. The petitioner can deposit the amount before the learned Magistrate whereupon there will be no question of executing the default sentence.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007